

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE

UNITED STATES OF AMERICA, )  
                                )  
Plaintiff,                 )  
                                )  
v.                            )              No.: 3:10-CR-110-TAV-HBG-8  
                                )  
DORIAN JOHNSON,            )  
                                )  
Defendant.                 )

**MEMORANDUM OPINION AND ORDER**

This criminal case is before the Court on defendant's motion for reconsideration of the Court's denial of his First Step Act motion [Doc. 602]. This Court previously denied defendant's motion, finding that his conviction under 21 U.S.C. § 841(b)(1)(C) did not qualify as a "covered offense" and he was therefore ineligible for a sentence reduction [Doc. 600]. Defendant then filed the present motion asking for reconsideration based on the briefing for an upcoming Supreme Court case, *Terry v. United States* [Doc. 602 p. 1]. Since defendant's filing, the Supreme Court has issued its ruling in *Terry* and held that the offense is not a "covered offense." 141 S. Ct. 1858 (2021). The Court finds that the prior order is consistent with controlling precedent, and the motion for reconsideration [Doc. 602] is therefore **DENIED**.

IT IS SO ORDERED.

s/ Thomas A. Varlan  
UNITED STATES DISTRICT JUDGE